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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,910	02/28/2002	Xiayang Sheng	49922.2USPT	7094
7590 10/20/2005			EXAMINER	
XIAYANG SHENG 12626 MESQUITE HOLLOW SUGAR LAND, TX 77478			RIVELL, JOHN A	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,910

Applicant(s)

SHENG, XIAYANG

Examiner

John Rivell

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/22/05 (amendment).
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-10, 12-22 and 24-29 is/are allowed.
6) ☒ Claim(s) 23 and 30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's arguments filed November 22, 2004, March 10, 2005 and September 22, 2005 have been fully considered but they are not persuasive.

Claim 11 has been canceled.

Claims 1-10 and 12-30 remain pending.

Of the above, the current version of claim 23 includes the claim identifier "withdrawn". This is not understood. The identified "withdrawn" is usually reserved for claims directed to non elected inventions/species as a result of a restriction or election requirement by the Examiner. No such requirement has been made in the prosecution of this application. Accordingly claim 23 is not considered to be "withdrawn" and will be acted on below on its merits. If applicant intended claim 23 to be canceled (see for example the non entered amendment of March 10, 200 in which the entirety of claim 23 is lined through as if intended to be canceled) then the claim identifier should merely say "canceled" followed by no text of the claim (see 37 CFR 1.121).

The substitute specification filed February 28, 2002 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because the statement as to a lack of new matter under 37 CFR 1.125(b) is missing. Entry of this substitute specification requires a statement from applicant asserting that the "substitute specification of February 28, 2002 includes no new matter".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the valve system" in line 6. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richards in view of Nichols.

The patent to Richards discloses all the claimed features with the exception of "effectuating fluid release from the inflatable object and through the fluid conduit if the desired pressure is lower than the initial pressure in the inflatable object". The claim limitation recites function and does not require structural elements performing the recited function.

The patent to Nichols discloses that it is known in the art to employ a pressure regulator generally in figure 1, which includes a pressure sensitive element at diaphragm 34 which incorporates a valve device at 35, 42 and 43 which is "capable of deflating the object (attached at outlet conduit 16) when the initial pressure inside the inflatable object is higher than the desired pressure, and the pressure regulator is capable of automatically terminating deflation when the pressure inside the object reaches the desired pressure" for the purpose of relieving the higher than desired

pressure value if present initially in the inflated object upon connection of the device to the inflated object.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Richards elements capable of "effectuating fluid release from the inflatable object and through the fluid conduit if the desired pressure is lower than the initial pressure in the inflatable object" for the purpose of relieving the higher than desired pressure value if present initially in the inflated object upon connection of the device to the inflated object as recognized by Nichols.

Regarding claim 30, the method step of "effectuating fluid release from the inflatable object and through the fluid conduit if the desired pressure is lower than the initial pressure in the inflatable object" is necessarily performed in the combination of references which incorporates the teachings of Nichols.

Regarding applicants remarks concerning the above, the arguments in the response of November 22, 2004 merely assert that the patent to Richards fails to include structure which "prevent(s) the force produced by the pressure source from transferring to the pressure sensing structure". As such structural requirements are not included in the language of claims 23 or 30, this argument is not commensurate in scope with the claim language and is considered moot.

Claims 1-10, 12-22 and 24-29 are allowed.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims

appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$500.00 (large entity) or \$250.00 (small entity).

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

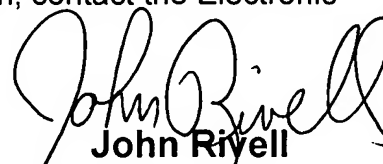
A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.